



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL TOLIVER,

Plaintiff,

-against-

N.Y.C. DEPARTMENT OF CORRECTION;
COMMISSIONER OF D.O.C. N.Y.C.; CHIEF OF
THE DEPARTMENT; WARDEN OF NORTH
INFIRMARY COMMAND; DEPT. OF
CORRECTIONS CAPTAIN; DEPT. OF
CORRECTIONS OFFICER BOND, #11026,

Defendants.
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**ORDER ADOPTING REPORT
AND RECOMMENDATION**

10 Civ. 5804 (AKH)

I have reviewed the Report and Recommendation of the Hon. James C. Francis IV, United States Magistrate Judge, the parties' filings on Defendants' summary judgment motion, and the objections of Plaintiff, sworn and filed October 17, 2012. After independent review, I adopt Judge Francis's Report. Accordingly, Defendants' motion for summary judgment is granted as to Defendants DOC, the Commissioner, the Chief, and the Warden, and the claims against Officer Bond and Captain Roberts are dismissed without prejudice. I also decline to exercise supplemental jurisdiction over any state law claims Plaintiff might be deemed to have raised.

The Clerk shall terminate the motion (Doc. No. 50) and mark the case closed.

SO ORDERED.

Dated: November 5, 2012
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge